# HANCOCK
## ESTABROOK, LLP
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125TH ANNIVERSARY

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March 13, 2014

**VIA CM/ECF**

Magistrate Judge Thérèse Wiley Dancks
United States Court for the Northern District of New York
100 South Clinton Street
Syracuse, New York 13261-7367

>       RE:   *Nuccio v. Duvé*
>             *7:13-CV-1556 (MAD/TWD)*

Dear Judge Dancks:

This office represents Nicole Duvé, in her official capacity as former St. Lawrence County District Attorney, in this matter.  This is a joint submission by both parties asking for an adjournment of the Rule 16 conference, and an extension of the deadlines for submitting the Civil Case Management Plan and mandatory disclosures.  Pursuant to the Court's General Order 25 packet, the initial conference is scheduled for April 2, 2014, while the Civil Case Management Plan and mandatory disclosures must be exchanged by March 26, 2014.

This is an action for a declaration that certain New York Penal Laws are unconstitutional.  Since the filing of the Complaint, the St. Lawrence County Attorney's office has been working with the New York State Attorney General's office to determine whether the New York State Attorney General would represent Ms. Duvé in this action.  On March 6, 2014, the Attorney General indicated that it would not represent Ms. Duvé.  Therefore, Hancock Estabrook will be handling the representation.

At this time, our office is evaluating the substance of plaintiff's claims and is considering the prospects of a FED. R. CIV. P. 12 motion.  Further, due to our office only recently being directed to represent Ms. Duvé, plaintiff's counsel has agreed to permit defendant until on or before April 30, 2014 to answer and respond.

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Therefore, the parties respectfully request that Court adjourn the mandatory disclosure, Civil Case Management Plan, and Rule 16 deadline until after April 30, 2014.

Respectfully yours,

HANCOCK ESTABROOK, LLP

Zachary M. Mattison

ZMM/km
cc:     All Counsel of Record

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